

1 IN THE OFFICE OF ADMINISTRATIVE HEARINGS

2
3 In the Matter of:

No. 08F-RV-002-BCS

4 **ASCENDING ROOTS SCHOLASTIC &**
5 **ATHLETIC PREMISE, INC.** (a non-profit
6 corporation),

**ORDER SETTING PREHEARING
CONFERENCE**

7 and

8 **ASCENDING ROOTS SCHOLASTIC &**
9 **ATHLETIC PREMISE** (a charter school).

10
11 The Arizona State Board for Charter Schools ("the Board") has requested that
12 the Administrative Law Judge schedule a prehearing conference to set a date for the
13 parties to exchange of lists of witnesses and exhibits, to obtain prehearing stipulations
14 or to address any pertinent matters set forth in A.R.S. § 41-1092.05(F), and to address
15 representation of the charter operator as authorized by Ariz. R. S. Ct. 31. Good cause
16 having been established,

17 **IT IS ORDERED** setting a prehearing conference on *June 17, 2008 at 3:00 p.m.*
18 at the Office of Administrative Hearings, 1400 W. Washington St., Suite 101, Phoenix,
19 AZ 85013.

20 The Administrative Law Judge informs the persons associated with Ascending
21 Roots Scholastic & Athletic Premise, Inc. ("Respondent") that appearance before the
22 Office of Administrative Hearings is considered the practice of law, which under most
23 circumstances may only be undertaken by an active member of the Arizona State Bar.
24 See Ariz. R. S. Ct. 31(a)(2)(A)(3). However, the Arizona Supreme Court has
25 recognized the following exemption:

26 Unless otherwise specifically provided for in this rule, in
27 proceedings before the Office of Administrative Hearings, a
28 legal entity may be represented by a full-time officer,
29 partner, member or manager of a limited liability company,
30 or employee, provided that: the legal entity has specifically
authorized such person to represent it in the particular
matter; such representation is not the person's primary duty
to the legal entity, but secondary or incidental to their duties

Office of Administrative Hearings
1400 West Washington, Suite 101
Phoenix, Arizona 85007
(602) 542-9826

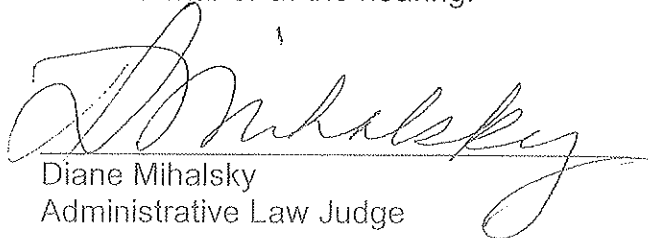
relating to the management or operation of the legal entity;
and the person is not receiving separate or additional
compensation (other than reimbursement for costs) for such
representation.

Ariz. R. S. Ct. 31(2)(11).

The record in this matter does not include the nature of the relationship of the
three persons to whom the Board gave notice of the hearing to Respondent non-profit
corporation. Only one person who meets the requirements of Ariz. R. S. Ct. 31 will be
allowed to appear on Respondent's behalf at the prehearing conference and at the
hearing, although anyone with first-hand knowledge of the matters at issue may testify
on its behalf.

IT IS FURTHER ORDERED that, before the scheduled prehearing conference,
Respondent's representative shall provide notice to the Administrative Law Judge and
to the Board's attorney of his or her appearance in this matter. Failure to designate a
representative who meets the requirements of Ariz. R. S. Ct. 31 may preclude
Respondent from offering evidence to defend its charter at the hearing.

Done this day: June 9, 2008.


Diane Mihalsky
Administrative Law Judge

Copy mailed this 9th day of
June, 2008 to:

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By 